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Transcriber's Office

May 21, 1997

LB 569, 583, 724A, 752
LR 268-283

ASSISTANT CLERK: 25 ayes, 1 nay to adopt the Brown amendment.

SENATOR WESELY: The Brown amendment is adopted for that section. We'll go to the next section, 31. The call is raised. Before we go to that section, Mr. Clerk, do you have some things to read in?

ASSISTANT CLERK: Mr. President, I do. Interim study resolutions LR 268-283. Amendments to be printed to 752 from Senator Dwite Pedersen. Senator Wickersham has amendments to 583. Senator Wesely to 569. And Senator Wickersham to 724A. (See pages 2264-2280 of the Legislative Journal.)

SENATOR WESELY: Thank you, Mr. Clerk. The Chair recognizes Senator Brown to open on Section 31 of her amendment. (FA369 appears on page 2280 of the Legislative Journal.)

SENATOR BROWN: Mr. President, members of the Legislature, this part of the amendment provides that a financial institution is not liable for release of information to HHS or liable for assuring HHS maintains the confidential...confidentiality of information under this act. In other words, it is incumbent on HHS under the previous amendment that we just adopted that they maintain the confidentiality. It is not...it is not the obligation of the financial institution whether they...their liability for the release of information or for how that information is used by HHS. But as I said before, we, in the previous amendment, imposed on HHS those security provisions that are established under the Federal Tax Information Security Guidelines. And we are required by the federal legislation to address the liability issue for financial institutions. Under the federal legislation, "a financial institution shall not be liable under any federal or state law to any person for any disclosure of information to the state agency for encumbering or surrendering any assets held by any such financial institution in response to a notice of a lien or a levy issued by the state agency or for any other action taken in good faith to comply with the requirements of the subparagraph." And this just makes a little bit more specific the language of the bill in regard to liability. Thank you.

SENATOR WESELY: Thank you, Senator Brown. The Chair recognizes